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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 CHAD ANDRE CHRISTENSEN,

12 Petitioner,

13 v.

14 UNKNOWN,

15 Respondent.
16

No. 2:24-cv-0979-TLN-DMC

ORDER

17 Petitioner, a prisoner proceeding pro se, brings this petition for a writ of habeas corpus
18 pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge
19 pursuant to Eastern District of California local rules.

20 On May 23, 2024, the Magistrate Judge filed findings and recommendations herein which
21 were served on Petitioner, and which contained notice that Petitioner may file objections within
22 the time specified therein. (ECF No. 5.) Petitioner filed objections to the findings and
23 recommendations, which the Court considered. (ECF No. 6.)

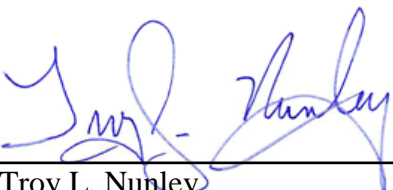
24 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602
25 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*.
26 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed
27 the file, the Court finds the findings and recommendations to be supported by the record and by
28 the magistrate judge's analysis.

Pursuant to Rule 11(a) of the Federal Rules Governing Section 2254 Cases, the Court has considered whether to issue a certificate of appealability. Before Petitioner can appeal this decision, a certificate of appealability must issue. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). Where the petition is denied on the merits, a certificate of appealability may issue under 28 U.S.C. § 2253 “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The Court must either issue a certificate of appealability indicating which issues satisfy the required showing or must state the reasons why such a certificate should not issue. *See* Fed. R. App. P. 22(b). Where the petition is dismissed on procedural grounds, a certificate of appealability “should issue if the prisoner can show: (1) ‘that jurists of reason would find it debatable whether the district court was correct in its procedural ruling’; and (2) ‘that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right.’” *Morris v. Woodford*, 229 F.3d 775, 780 (9th Cir. 2000) (quoting *Slack v. McDaniel*, 529 U.S. 473, 120 S.Ct. 1595, 1604 (2000)). For the reasons set forth in the Magistrate Judge’s findings and recommendations, the Court finds that issuance of a certificate of appealability is not warranted in this case.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations, filed on May 23, 2024 (ECF No. 5), are ADOPTED IN FULL;
2. Petitioner’s Petition for Writ of Habeas Corpus (ECF No. 1) is DISMISSED without prejudice;
3. The Court DECLINES to issue a certificate of appealability;
4. The Clerk of the Court is directed to close this case.

Date: August 5, 2024



Troy L. Nunley
United States District Judge